

Notice of Allowability

Application No.

10/696,790

Examiner

Jason M. Greene

Applicant(s)

SHIH ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' reply filed 05 December 2005.
2. ☒ The allowed claim(s) is/are 4,5,9-13 and 16-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments, see page 8, lines 14-20, filed 5 December 2005, with respect to 35 USC 102(b) rejection of claim 9 have been fully considered and are persuasive. The 35 USC 102(b) rejection of claim 9 has been withdrawn. The objection to claim 10 has been withdrawn since the claim has been rewritten in independent form.

Allowable Subject Matter

2. Claims 4, 5, 9-13, 16-24 are allowed.
3. The following is an examiner's statement of reasons for allowance:

With regard to claims 4, 5, 11-13 and 16-24, Bolt et al. discloses a filter device suitable for removing particulates and inactivating pathogens from a gas stream comprising a duct (housing 1) for conveying a gas stream, positioned in the duct across the flow of gas, at least one electrically resistively heatable porous and conductive filter element (5a), and means (high voltage source 6 and filter holders 5b) for providing

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electrical energy to said porous and conductive filter element for resistively heating said porous and conductive filter element, wherein the porous, conductive filter element comprises conductive sintered metallic particles in Figs. 1 and 2 and col. 4, line 46 to col. 3, line 20.

The prior art made of record does not teach or fairly suggest the filter device of claim 17 wherein the filter element has a front surface facing the inlet air stream and a back surface facing away from the inlet air stream, the filter element having a thickness contour between said front surface and said rear surface such that the electrical current distribution over cross-sections of the filter element perpendicular to the direction of current flow is substantially constant, such that a substantially constant temperature is maintained across the filter element.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

6. The application has been amended as follows:

Renumber original claim 4 as claim 2.

Renumber original claim 5 as claim 3.

Renumber original claim 9 as claim 4.

Renumber original claim 10 as claim 5.

Renumber original claim 11 as claim 6.

Renumber original claim 12 as claim 7.

Renumber original claim 13 as claim 8.

Renumber original claim 16 as claim 9.

Renumber original claim 17 as claim 1.

Renumber original claim 18 as claim 10.

Renumber original claim 19 as claim 11.

Renumber original claim 20 as claim 12.

Renumber original claim 21 as claim 13.

Renumber original claim 22 as claim 14.

Renumber original claim 23 as claim 15.

Renumber original claim 24 as claim 16.

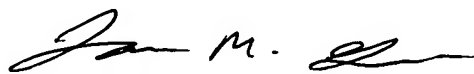
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene
Examiner
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12/15/05

jmg
December 15, 2005